

8:25



New Message

Cancel

To: Dev

From:  Primary

Nov 13, 2022 at 10:05 AM

I want time with our baby, you should not be keeping her from me

And I would like for you to make arrangements for your cats and something for a phone, you have mine, I pay for it and would like it back, where you are now staying has a house phone, I will not continue to pay for anything and everything for you especially if you want to take the baby out of her home

Nov 13, 2022 at 5:58 PM

Your cats will be at Manchester animal shelter, you can get them there

Read 11/13/22



Text Message



8:14



Devin Aileen

OCT 28, 2022 AT 6:18 PM



**Attachment Unavailable**

This attachment may have been removed or the person who shared it may not have permission to sha...



OCT 31, 2022 AT 10:54 PM



**Attachment Unavailable**

This attachment may have been removed or the person who shared it may not have permission to sha...



NOV 05, 2022 AT 6:58 PM



NOV 06, 2022 AT 12:13 PM

**Attachment Unavailable**

This attachment may have been removed or the person who shared it may not have permission to sha...



NOV 15, 2022 AT 5:33 PM

I would like to see my child

Sent

This person is unavailable on Messenger. [More options](#)

8:23



7 Messages



thank you.

From: **Matthew Hassell** >To: **Devin Kimbark** >

November 25, 2022 at 10:29 AM

It would be nice if you could respond so we can make a plan so I can see our daughter. I would also like you to come and get your personal belongings that are here (clothes, makeup, jewelry and mailings I do believe that is all you have here). I have clothes and such for the baby, so she can have some things wherever you decide to live. Please reach out anytime day or night in any form of communication that can help at the very least establish communication between you and I and to get the other mentioned things above taken care of.

On Nov 23, 2022, at 5:56 PM, Matt Hassell <[mhas191@yahoo.com](mailto:mhas191@yahoo.com)> wrote:

Hi Devin,

I am trying to get communication with you. I



8:23



7 Messages



| and you are doing please and thank you.

From: **Matthew Hassell** >To: **Devin Kimbark** >

November 25, 2022 at 12:28 PM

I have your personal belongings that you moved in with and things for the baby, please communicate so we can make arrangements for you to get your stuff and some items for the baby (clothes, toys and accessories) so that she can be properly provided for too, while we hopefully work something out between us amicable, fairly and respectfully.

[See More](#)From: **Matthew Hassell** >To: **Devin Kimbark** >

November 25, 2022 at 12:29 PM



Matthew-Lane: Hassell, Agent  
45 Falcon Crest Way  
Manchester, New Hampshire [03104]  
(603)231-0844

5th of December, 2022

JENNIFER L. DITRAPANO  
BRIAN G. GERMAINE, GERMAINE & BLASZKA, P.A.  
23 Birch ST  
Derry, N.H. 03038

JENNIFER@GERMAINELAW.COM  
(603)434-4125

In the Matter of: Matthew-Lane: Hassell and Devin Kimbark  
656-2022-DM-00737

Dear Ms.DiTrapano,

- 1) "DISCLAIMER: Matthew-Lane: Hassell, agent, (A.K.A. Matthew, A.K.A. Matt) has the knowledge of copyright laws and has observed the copyright symbol(s) contained within what appears to be ALL Books, Codes, References, Reporters, and the like dealing with law, and such a symbol's use and employment in providing notice that the contents therein are the private property of the copyright owner, and Matthew-Lane: Hassell freely admitting that Matthew-Lane: Hassell has neither grant, franchise, license, NOR letter-patent to use said contents, NOR practice the same. Please be advised that ALL Cites thereto, and excerpts therefrom, are utilized and employed herein merely for educational and communicational purposes, to display from where Matthew-Lane: Hassell present understanding inheres from, and , due to the depth of the matter with which this controversy attempts to cover." This is called Fair Use and is allowed for purposes of criticism, news reporting, teaching and parody which doesn't infringe on copyright under 17 USC 107"
- 2) I, Matthew-Lane: Hassell, agent, in my correct public capacity as beneficiary to the Original Jurisdiction, being of majority age, competent to testify, a self-realized and free sentient man upon the land, a flesh and blood, eternal soul [possessing] being, my yes be yes, my no be no, do affirm and attest under penalty of perjury and under my full commercial liability, that the truths and facts herein are of firsthand personal knowledge and that they are true, correct, complete, not just true and correct, certain and not misleading to the best of my abilities and integrity.)
- 3) Any claim of "immunity" which the government agents could possibly make is a fraud, because if valid, it would prevent removal from office for crimes against the people, which removal is authorized or even mandated under the U.S. Constitution Article 2, Section 4, as well as 18 U.S.C. 241, 242, 42 U.S.C. 1983, 1985, 1986 and state constitutions as well as the Constitution for the United States of America.
- 4) Comes now Matthew-Lane: Hassell hereinafter known as Matthew, a Natural Individual as defined by U.S. Code Title 8 Section 1481 (21), by Special Appearance, for the purpose of settling all Claims and Charges outstanding, and who honorably file this AFFIDAVIT in order to set off settle and close this account.Actus non reum facit, nisi mens sit rea. An act does not make a person guilty, unless the intention be also guilty. This maxim applies only to criminal cases; in civil matters it is otherwise. 2 Bouv. Inst. n. 2211. DK parents made a false criminal police report, which led the police to our domicile as DK parents falsely claimed, I sabotaged DK vessel and was preventing DK from leaving, when the truth is DK vehicle due to her battery was dead through DK negligence,incompetence or in any case due to circumstances outside of my control.

- 5) Matthew-Lane: Hassell (as defined by N.H. Code of Admin. R. Elec. 202.07) is an Authorized Representative for MATTHEW LANE HASSELL, (a Texas corporation) and is not an attorney but is the holder in due course of the title for the vessel as the expressly designated beneficiary and administrator, so he may be heard by the court in this case, in testimony and may be known through his written word when such is sworn under oath or affirmed and attested under penalty of perjury.
- 6) Matthew-Lane: Hassell is claiming to be a Persona Propria Sui Juris litigant (Claimant); allegations such as those asserted by Claimant(s), however inartfully decreed, are sufficient... which we hold to less stringent standards than formal pleadings drafted by lawyers. Haines -vs.- Kerner, 404 U.S. 519 (Reversed & Remanded), and Woods -vs.- Carey, 525 F3d 886, 889-890 (Reversed & Remanded), and claims Pro Per, in his own person, a rule in pleading that pleas to the jurisdiction of the Court must be pleaded in propria persona, see Kay -vs.- Ehrler, 499 U.S. 432. "...The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury fairly traceable to defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." Allen v. Wright, 468 U.S. 737 (1984).
- 7) This is a self-executing contract. Notice to the principal is notice to the agent, notice to the agent is notice to the principal. You are hereby bound to inform all of your superiors and subordinates involved in this matter and which may have future interactions with my person or me. If there is something you do not understand clearly, it is incumbent upon you to summon a superior officer, special prosecutor, federal judge or other competent legal counsel to immediately explain the significance of this instrument as per your duties and obligations in respect to this public formal instrument. You have 3, (three) days from the receipt of this AFFIDAVIT to respond on a point by point basis, via sworn AFFIDAVIT, under full commercial liability, signing under penalty of perjury that the facts contained therein are true, correct, complete and not misleading (Cujus per errorem dati repetitio est, ejus consultu dati donatio est.). Mere declarations are an insufficient response and a complete nullity. If an extension of time is needed to properly answer, please request such in writing. Failure to respond will be deemed Nihil Dicit Tacit Acquiescence and constitutes agreement with the facts stated within the attached AFFIDAVIT and as an acceptance of liability. Traitors, Protestants, Liberals and Heretics take heed for I oppose your causes.
- 8) Matthew is the only authorized representative of the vessel MATTHEW LANE HASSELL A.K.A. MATTHEW LANE HASSELL). American Banana Co. v. United Fruit Co., 213 U.S. 347 (1909). "The very meaning of sovereignty is that the decree of the sovereign makes law. I have made my decree of sovereignty. ("Praesentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis). Bacon's Max. Reg. 25.(as was decided in American Banana Co. v. United Fruit Co., 213 U.S. 347 (1909).
- 9) In aequali jure melior est conditio possidentis. Mittf. Eq. Pl. 215; Jer. Eq. Jur. 285; 1 Madd. Ch. Pr. 170; Dig. 50, 17, 128. Plowd. 296. Baltimore & Ohio Railroad Co. v. United States, 261 U.S. 592 (1923), is a US Supreme Court case on contract law. The Supreme Court held that an implied in fact contract exists as, "an agreement ... founded upon a meeting of minds, which, although not embodied in an express contract, is inferred, as a fact, from conduct of the parties showing, in the light of the surrounding circumstances, their tacit understanding." (also see H. Liebes and Co. V. Klengenberg, (C.C.A. Cal.), 23 F.2<sup>nd</sup> 611, 612 (1928) and Lee v. Travelers' Ins. Co. of Hartford Conn., 173 S.C. 185, 175 S.E. 429).
- 10) Trinsey v. Frank J. Pagliaro and Albert Foreman 229 F. Supp. 647 (1964). " Statements of counsel in brief or argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment..." . Justitia non novit patrem nec matrem, solum veritatem spectat justitia. 1 Buls. 199. Enough said. For the justice of Phoenix Hassell and Matthew, Phoenix Hassell should be with the parent (Matthew) that is competent, mentally fit and capable of providing the direct care for another human being's life (as Matthew has done for Devin Kimbark since Sept. 2021) while simultaneously being able to provide that for himself (Matthew) too (as been decided by Trinsey v. Frank J. Pagliaro and Albert Foreman 229 F. Supp. 647 (1964). Subsequently, it is a fault to mettle in what does not belong to or concern you (culpaestimmiscere).

- 11) Meyer v. Nebraska, 262 US 390; 43 S Ct 625, (1923). Parent's rights have been recognized as being "essential to the orderly pursuit of happiness by free man." )Commodum ex injuri su non habere debet. Jenk. Cent. 161. Devin Kimbark has not tried any compromise. I discussed that she may be experiencing postpartum depression. Devin Kimbark has not sought therapy. PPD is not shameful but left untreated, it does pose a serious and potential threat to both child and mother. Until she can get adequate, professional help I'm asking for temporary full custodial grantorship for Phoenix Hassell until such professional help can be established and determine any treatment (if necessary) and issue temporary child support orders from the family household total where Devin Kimbark lives. My rights to the child have long been recognized as being essential to the pursuit of happiness as a free man. (as was decided in Meyer v. Nebraska, 262 US 390).
- 12) Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 127 S. Ct. 1955, 1964-65 (2007) The test for determining whether the allegations of a cause of action are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the claim and the relief requested. By the mere fact Devin Kimbark has an attorney speaking for her demonstrates in its essence proves she is a ward of the state and incompetent to make her own decisions.
- 13) Parham v. J. R., 442 U. S. 584, 602 THE SUPREME COURT RULED THAT THERE IS A PRESUMPTION THAT A FIT PARENT ACTS IN THEIR CHILDREN'S BEST INTERESTS NOT CHILD PROTECTION (CPS) OR YOUR STATE (Actor qui contra regulam quid adduxit, non est audiendus). Since her attorney knows Devin Kimbark is incompetent, a ward of the court, her arguments should not be heard because her very existence in the court is prima facie evidence that Devin Kimbark in its essence is a ward of the court and incompetent or a person of unsound mind.
- 14) Hale v. Henkel, 201 U.S. 43, 74 (1906) " The individual may stand upon his constitutional rights as a citizen "... (Debet qui juri subjacere ubi delinquit. 3 Co. Inst. 34). Since Phoenix Hassell was born in the City of Manchester, court should be held in the same City of Manchester. Since the Respondent has not and cannot prove I am unfit, the Judge should order that I am primary legal custodian and hold primary physical custody as well as primary legal custody. Since Devin Kimbark cannot prove the same and that amounts to a real and potential injury to the child, I would demand that she only be awarded supervised visitation until such time as she has gotten proper mental and emotional health counseling.
- 15) I, Matthew, have proven through Stare Decisis, with multiple Superior Court Decisions, which provide to the Judge, the proper Law, to rule, in my favor. (De jure judices, de facto juratores, respondent).
- 16) Since I am one of the people and the people created the government, the government must abide by my wishes (Derativa potestas non potest esse major primitiva). The power which is derived cannot be greater than that from which it is derived. Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975). The United States Supreme Court held that the " old notion " that " generally it is the man's primary responsibility to provide a home and its essentials " can no longer justify a statute that discriminates on the basis of gender. (Also see Luther v Borden 48 US 1 12 Led 581) (1849). In praesentia majoris potestatis, minor potestas cessat. Jenk. Cent. 214. Non refert quid notum sit judice si notum non sit in forma judici. 3 Buls. 115. Quod non apparet non est, et non apparet judicialiter ante judicium. 2 Co. Inst. 479.

- 17) *Bryars v. U.S.* 273 U.S. 28 (1927) The Constitution is supposed to be enforced and the Constitution should receive a Liberal interpretation in favor of the Citizen. This is especially true with respect to those provisions which were designed to safeguard the Liberty and Security of the Citizen in regard to both person and property which goes hand in hand with the 14th Amendment for fair and equal protection, to be liberally construed in favor of the (competent) Citizen. Actus non reum facit, nisi mens sit rea. 2 Bouv. Inst. n. 2211. Devin Kimbarks family was misinformed by their daughters emotional state and as a result of Devin Kimbarks miscommunication to her parents filed an unsubstantiated police report. The police actually found a dead battery which was the cause of Devin not being able to leave and not sabotage like she claimed to her family, proving once again her emotional state is very real and she may be suffering from postpartum depression and/or other psychiatric or psychological issues which I am not qualified to decide but I do hope Devin starts to recognize with her family that this is a very serious concern and for the health and safety for Devin Kimbark and Phoenix Hassell to start treating it as such and get Devin the adequate professional help that she needs and deserves, not only for herself but for Phoenix too.
- 18) *Yick Wo v Hopkins* 118 U.S. 356 (1886) "...The Congress cannot revoke the Sovereign power of the people to override their will as thus declared." *Perry v. United States*, 294 U.S. 330, 353 (1935).
- 19) VOID WHERE PROHIBITED BY LAW.
- 20) Furthermore, Matthew saith not.

 Date: 12-5-2022

Matthew-Lane:Hassell authorized agent of  
MATTHEW LANE HASSELL  
45 Falcon Crest Way  
Manchester, New Hampshire [03104]

### Points and Authority:

- 1) *American Banana Co. v. United Fruit Co.*, 213 U.S. 347 (1909). "The very meaning of sovereignty is that the decree of the sovereign makes law."
- 2) *Baltimore & Ohio Railroad Co. v. United States*, 261 U.S. 592 (1923), is a US Supreme Court case on contract law. The Supreme Court held that an implied in fact contract exists as, "an agreement ... founded upon a meeting of minds, which, although not embodied in an express contract, is inferred, as a fact, from conduct of the parties showing, in the light of the surrounding circumstances, their tacit understanding."
- 3) *Bryars v. U.S.* 273 U.S. 28 (1927) The Constitution is supposed to be enforced and the Constitution should receive a Liberal interpretation in favor of the Citizen. This is especially true with respect to those provisions which were designed to safeguard the Liberty and Security of the Citizen in regard to both person and property. Now add the 14th Amendment for fair and equal protection, to be liberally construed in favor of the (competent) Citizen. What would be more fair and liberally construed than a 50/50 custody split, after DK, has had some sort of professional mental help for her depression and can prove that she is mentally fit and can maintain her own life and living in a competent way of life.
- 4) *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1964-65 (2007) The test for determining whether the allegations of a cause of action are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the claim and the relief requested." *Ravera V. City of Reno*, 100 Nev. 68,70, 675 P.2d 407, 408 (1984). Notably, the United States Supreme Court recently heightened the

sufficiency of pleading requirement. Namely, in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1964-65 (2007), the Supreme Court held that notice pleading requires more than mere legal conclusions to defeat a motion to dismiss. In *Twombly*, the Supreme Court specifically stated that a plaintiff is obligated "to provide the 'grounds' of his 'entitle[ment] to relief' beyond mere 'labels and conclusions.'" *Id.* The Supreme Court also stated that "a formulaic recitation of the elements of a cause of action will not do." *Id.* As a result, a plaintiff must provide "[factual allegations . . . to raise a right to relief above the speculative level . . . on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." *Id.* In *Ashcroft v. Iqbal*, 556 U.S. , , 129 S.Ct. 1937, 1951 (2009), the United States Supreme Court further reaffirmed *Twombly* and clarified that it applies to all civil actions and proceedings in the United States district courts.<sup>3</sup> Although *Twombly* and *Iqbal* are federal decisions, they are highly instructive because the Nevada Rules of Civil Procedure are modeled after their federal counterparts. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct. 1955, 1964-65 (2007).

- 5) *Haines -vs.- Kerner*, 404 U.S. 519 (Reversed & Remanded), allegations such as those asserted by petitioner, however inartfully decreed, are sufficient... which we hold to less stringent standards than formal pleadings drafted by lawyers. and *Woods -vs- Carey*, 525 F3d 886, 889-890 (Reversed & Remanded), and claims Pro Per, in his own person, a rule in pleading that pleas to the jurisdiction of the Court must be pleaded in propria persona, see *Kay -vs.- Ehrler*, 499 U.S. 432. "...The requirement of standing, however, has a core component derived directly from the Constitution. A plaintiff must allege personal injury fairly traceable to defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *Allen v. Wright*, 468 U.S. 737 (1984).
- 6) *Hale v. Henkel*, 201 U.S. 43, 74 (1906) "The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his own private business in his own way. His power to contract is unlimited. He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as he may tend to incriminate him. He owes no such duty to the State, since he receives nothing therefrom beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the State, and can only be taken away from him by due process of law (not statute), and in accordance with the constitution.
- 7) *H. Liebes and Co. V. Klengenberg*, (C. C.A. Cal.), 23 F.2<sup>nd</sup> 611, 612 (1928). Re: Contracts: It is an agreement creating obligation, in which there must be competent parties, subject matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain, that terms are not ascertainable. (See also *Lee v. Travelers Insurance*).
- 8) *Lee v. Travelers' Ins. Co. of Hartford Conn.*, 173 S.C. 185, 175 S.E. 429. "An agreement between two or more parties, preliminary step in making of which is offer by one and acceptance by the other, in which minds of parties meet and concur in understanding of terms. It is an agreement creating obligation, in which there must be competent parties, subject matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable.
- 9) *Luther v Borden* 48 US 1 12 Led 581 (1849) states in pertinent part: "governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people as the original fountain might take away what they have delegated and entrust to whom they please."
- 10) *Meyer v. Nebraska* 262 US 390 (1923). Liberty denotes not merely freedom from bodily restraint, but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized."
- 11) *Parham v. J. R.*, 442 U. S. 584, 602 THE SUPREME COURT RULED THAT THERE IS A PRESUMPTION THAT A FIT PARENT ACTS IN THEIR CHILDREN'S BEST INTERESTS NOT CHILD PROTECTION (CPS) OR YOUR STATE  
The United States Supreme Court has stated: "There is a presumption that fit parents act in their children's best interests, *Parham v. J. R.*, 442 U. S. 584, 602; there is normally no reason or compelling interest for the State to inject itself into the private realm of the family to further question fit parents' ability to make the best decisions regarding their children. *Reno v. Flores*, 507 U. S. 292, 304. The state may not interfere in child rearing decisions when a fit parent is available. *Troxel v. Granville*, 530 U.S. 57 (2000)
- 12) *Stanton v. Stanton*, 421 US 7, 10; 95 S Ct 1373, 1376, (1975). The United States Supreme Court held that the "old notion" that "generally it is the man's primary

responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on the basis of gender. No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas.

- 13) *Trinsey v. Frank J. Pagliaro and Albert Foreman* 229 F. Supp. 647 (1964). 1. "Statements of counsel in brief or argument are not facts before the court and are therefore insufficient for a motion to dismiss or for summary judgment." 2. "An attorney for the Plaintiff cannot submit evidence into court. He is either an attorney or a witness." 3. "Where there are no depositions, admissions or affidavits the court has no facts to rely on for a summary determination."
- 14) *Yick Wo v Hopkins* 118 U.S. 356 (1886) which states in pertinent part: "For the very idea that one may be compelled to hold his life or the means of living, or any material right essential to the enjoyment of life at the mere will of another, seems to be intolerable in any free country where freedom prevails, as being the essence of slavery itself." And goes on to state: "Sovereignty itself is of course not subject to law, for it is the author and source of law, but in our system while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts." "...The Congress cannot revoke the Sovereign power of the people to override their will as thus declared." *Perry v. United States*, 294 U.S. 330, 353 (1935)

### **Maxims of Law:**

- 1) *Aequali jure melior est conditio possidentis*. When the parties have equal rights, the condition of the possessor is the better. Mitf. Eq. Pl. 215; Jer. Eq. Jur. 285; 1 Madd. Ch. Pr. 170; Dig. 50, 17, 128. Plowd. 296. Since the rights of natural people exceed the rights of people of unsound mind, the possessor of the child is not relevant in this matter.
- 2) *Actor qui contra regulam quid adduxit, non est audiendus*. He ought not to be heard who advances a proposition contrary to the rules of law.
- 3) *Actus non reum facit, nisi mens sit rea*. An act does not make a person guilty, unless the intention be also guilty.
- 4) *Commodum ex injuri su non habere debet*. No man ought to derive any benefit of his own wrong. Jenk. Cent. 161.
- 5) *Culpaestimmiscere*. It is a fault to meddle with what does not belong to or does not concern you.
- 6) *De jure judices, de facto juratores, respondent*. The judges answer to the law, the jury to the facts.
- 7) *Debet qui juri subiacere ubi delinquit*. Every one ought to be subject to the law of the place where he offends. 3 Co. Inst. 34.
- 8) *Derativa potestas non potest esse major primitiva*. The power which is derived cannot be greater than that from which it is derived. Since I am one of the people and the people created the government, the government must abide by my wishes. Also see *Luther v Borden* 48 US 1 12 Led 581 (1849) states in pertinent part: "governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people as the original fountain might take away what they have delegated and entrust to whom they please."
- 9) *Justitia non novit patrem nec matrem, solum veritatem spectat justitia*. Justice knows neither father nor mother, justice looks to truth alone. 1 Buls. 199.
- 10) *Non refert quid notum sit iudice si notum non sit in forma judici*. It matters not what is known to the judge, if it is not known to him judicially. 3 Buls. 115.
- 11) *Praesentia corporis tollit errorem nominis, et veritas nominis tollit errorem demonstrationis*. The presence of the body cures the error in the name; the truth of the name cures an error in the description. Bacon's Max. Reg.
- 12) *Praesentia majoris potestatis, minor potestas cessat*. In the presence of the superior power, the minor power ceases. Jenk. Cent. 214.

- 13) Quod non apparet non est, et non apparet judicialiter ante iudicium What appears not does not exist, and nothing appears judicially before judgment. 2 Co. Inst. 479.
- 14) Ubi damna dantur, victus victori in expensis condemnari debet. Where damages are given, the losing party should pay the costs of the victor. 2 Inst. 289.

#### DEFINITIONS:

- 1) "Action", in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.
- 2) "Aggrieved party" means a party entitled to pursue a remedy.
- 3) "Agreement", as distinguished from "contract", means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in Section 1-303.
- 4) Audio Recording means any and or all audio recordings which may include but may not include video.
- 5) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.
- 6) "Bearer" means a person in possession of a negotiable instrument, document of title, or certificated security that is payable to bearer or indorsed in blank.
- 7) Belligerent means in international law as an adjective, it means to engage in a lawful war. As a noun, it designates either of two nations which are actually in a state of war with each other, as well as their allies actively co-operating, as distinguished from a nation which takes no part in the war and maintains a strict indifference as between the contending parties, called a "neutral".
- 8) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods.
- 9) "Branch" includes a separately incorporated foreign branch of a bank.
- 10) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.
- 11) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.
- 12) Color means an appearance, semblance, or simulacrum, as distinguished from that which is real.
- 13) Color of Law means The appearance or semblance, without the substance, of legal right.
- 14) Conspiracy means 'in criminal law' a combination or confederacy between 2 or more persons formed for the purpose of committing, by their joint efforts, some unlawful or criminal act. Constitution means Constitution for the United States of America. A.K.A. Federal Constitution.
- 15) "Conspicuous", with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. Conspicuous terms include the following: (A) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and (B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.
- 16) Constitutional Right means any of the privileges or immunities protecting corporations under the State and/ or Federal Constitution.

- 17) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.
- 18) "Contract", as distinguished from "agreement", means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.
- 19) NHRCP means NEW HAMPSHIRE Rules of Civil Procedure.
- 20) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.
- 21) Damages means money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct). Damages also means A pecuniary compensation or indemnity, which may be recovered in the courts by any person who has suffers a lass, detriment, or injury, whether to his person, property or rights, through the unlawful act or omission or negligence of another.
- 22) De facto means (Latin) meaning "in fact" or "actually." Something that exists in fact but not as a matter of law.
- 23) Defalcation means misappropriation of money or funds held by an official, trustee, or other fiduciary. The sum misappropriated.  
"Delivery", with respect to an instrument, document of title, or chattel paper, means voluntary transfer of possession.
- 24) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold, and dispose of the document and the goods it covers. To be a document of title, a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.
- 25) De jure means (Latin) meaning "in law." Something that exists by operation of law.
- 26) Due process means; in criminal law, the constitutional guarantee that a defendant will receive a fair and impartial trial. In civil law, the legal rights of someone who confronts an adverse action threatening liberty or property.
- 27) Evidence means information presented in testimony or in documents that is used to persuade the fact finder (judge or jury) to decide the case in favor of one side or the other.
- 28) Equitable means pertaining to civil suits in "equity" rather than in "law." In English legal history, the courts of "law" could order the payment of damages and could afford no other remedy (see damages). A separate court of "equity" could order someone to do something or to cease to do something (e.g., injunction). In American jurisprudence, the federal courts have both legal and equitable power, but the distinction is still an important one. For example, a trial by jury is normally available in "law" cases but not in "equity" cases.
- 29) Exclusionary Rule means doctrine that says evidence obtained in violation of a criminal defendant's constitutional or statutory rights is not admissible at trial.
- 30) Exculpatory Evidence means evidence indicating that a defendant did not commit the crime.
- 31) "Fault" means a default, breach, or wrongful act or omission.
- 32) Federal Question Jurisdiction means jurisdiction given to federal courts in cases involving the interpretation and application of the U.S. Constitution, acts of Congress, and treaties.
- 33) Foundation means Facts or Truths established by TESTIMONY or AFFIDAVIT entered into the public record with clean hands, good faith, fair business practices and full disclosure, to establish grounds (evidence, proof) for subsequent litigation(s).
- 34) "Fungible goods" means: (A) goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or (B) goods that by agreement are treated as equivalent.
- 35) "Genuine" means free of forgery or counterfeiting.
- 36) "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.
- 37) Hearsay means Statements of counsel or persons, in brief or argument, which are not supported by oath or affidavit. Rumors. Statements, which are not facts before the court. See *Trinsey v. Frank J. Pagliaro and Albert Foreman* 229 F. Supp. 647 (1964).

- 38) "Holder" means: (A) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or (B) the person in possession of a document of title if the goods are deliverable either to bearer or to the order of the person in possession.
- 39) Grand jury means a body of 16-23 citizens who listen to evidence of criminal allegations, which is presented by the prosecutors, and determine whether there is probable cause to believe an individual committed an offense. See also indictment and U.S. attorney.
- 40) Hearsay means evidence presented by a witness who did not see or hear the incident in question but heard about it from someone else. With some exceptions, hearsay generally is not admissible as evidence at trial (see NRS 51 and Federal Rules of Evidence VIII).
- 41) Impeachment means: (A) The process of calling a witness's testimony into doubt. For example, if the attorney can show that the witness may have fabricated portions of his testimony, the witness is said to be "impeached;" (B) The constitutional process whereby the House of Representatives may "impeach" (accuse of misconduct) high officers of the federal government, who are then tried by the Senate. 3. Article II Section 4 of the Constitution for the United States of America which claims; The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.
- 42) Injunction means a court order preventing one or more named parties from taking some action. A preliminary injunction often is issued to allow fact-finding, so a judge can determine whether a permanent injunction is justified.
- 43) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.
- 44) "Insolvent" means: (A) having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute; (B) being unable to pay debts as they become due; or (C) being insolvent within the meaning of federal bankruptcy law.
- 45) Interrogatories means a form of discovery consisting of written questions to be answered in writing and under oath.
- 46) Judge means an official of the Judicial branch with authority to decide lawsuits brought before courts. Used generically, the term judge may also refer to all judicial officers, including Supreme Court justices who do not have secret superior oaths and only have allegiance to their public oath in accordance with Title 5 Section 3331.
- 47) Jurisdiction means 1) The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases. 2) The geographic area which employees of government and/ or corporations are authorized to operate in during the course of their duties.
- 48) LEO means Law Enforcement Officer and includes all law enforcement officers (Alcohol Tobacco and Firearms, Department of Homeland Security, Federal Bureau of Investigations, Drug Enforcement Agency and even includes the agents of the Central Intelligence Agency).
- 49) Letter of Marque means a license to fit out an armed vessel and use it in the capture of enemy merchant shipping and to commit acts which would otherwise have constituted piracy.
- 50) "Money" means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.
- 51) Nihil Dicit Tacit Acquiescence means to agree by going silent, literally they agreed by not speaking. Means an acceptance of liability.
- 52) "Organization" means a person other than an individual.
- 53) Party In Interest means a party who has standing to be heard by the court in a matter to be decided in the case. Usually used for bankruptcy cases. The debtor, U.S. trustee or bankruptcy administrator, case trustee, and creditors are parties in interest for most matters.
- 54) Peonage means a condition of enforced servitude by which the servitor is restrained of his liberty and compelled to labor in liquidation of some debt or obligations, real or pretended, against his will.
- 55) Persona Propria Sui Juris means the proper person within the law. The highest status and standing in law other than Providence.
- 56) Precedent means a court decision in an earlier case with facts and legal issues similar to a dispute currently before a court. Judges will generally "follow precedent" - meaning that they use the principles established in earlier cases to decide new cases that have

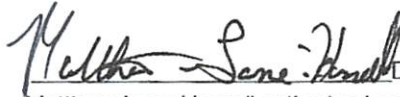
- 57) similar facts and raise similar legal issues. A judge will disregard precedent if a party can show that the earlier case was wrongly decided, or that it differed in some significant way from the current case. See *Stare Decisis*.
- 58) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.
- 59) Providence means God, The Creator, The Most High.
- 60) Public Thoroughfare means every place a private or public person may walk exclusive of entering buildings and public roadways but which may include driveways which typically allow public access to cross over.
- 61) Real injury means A real injury is inflicted by any act by which a person's honor or dignity is affected (Page 925 Black's Law 4<sup>th</sup> Edition).
- 62) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable for.
- 63) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.
- 64) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.
- 65) "Right" includes Natural Rights, Inalienable Rights and Prerogative Rights.
- 66) Sanction means a penalty or other type of enforcement used to bring about compliance with the law or with rules and regulations.
- 67) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under Section 2-505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under Section 2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to Section 1-203.
- 68) Seize means to take possession of forcibly, to grasp, to snatch or to put in possession.
- 69) "Send" in connection with a writing, record, or notice means: (A) to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or (B) in any other way to cause to be received any record or notice within the time it would have arrived if properly sent.
- 70) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.
- 71) *Stare Decisis* means the legal principle of determining points in litigation according to precedent.
- 72) "STATE" means a State of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.
- 73) State means one of the territories of North America.
- 74) State Constitution means the Constitution for the State of New Hampshire.
- 75) Suffer means to allow, to admit, or to permit.
- 76) "Surety" includes a guarantor or other secondary obligor.
- 77) Technicality means a point of law or a small detail of a set of rules, which may or may not adversely affect the outcome of prosecution in criminal proceedings.
- 78) "Term" means a portion of an agreement that relates to a particular matter.
- 79) Treason means betrayal after trust. It also means The offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance, or of betraying the state into the hands of a foreign power.
- 80) Matthew Hassell or Matthew means Matthew-Lane: Hassell as defined by TITLE 18 Section 1101 (21) One of the People born in the territory of Texas. The clearly

established and specifically designated Administrator and Beneficiary of the Texas Trust MATTHEW HASSELL.

- 81) Trustee means the representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee is a private individual or corporation appointed in all chapter 7, chapter 12, and chapter 13 cases and some chapter 11 cases. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. In chapter 7, the trustee liquidates property of the estate, and makes distributions to creditors. Trustees in chapter 12 and 13 have similar duties to a chapter 7 trustee and the additional responsibilities of overseeing the debtor's plan, receiving payments from debtors, and disbursing plan payments to creditors.
- 82) UNITED STATES CITIZEN means a civilly dead entity operating as a co-trustee and co-beneficiary of the Public Charitable Trust, the constructive, cestui que trust of the US Inc. under the 14<sup>th</sup> Amendment, which upholds the debt of the USA and US Inc. (per congressional record, June 13<sup>th</sup>, 1967, pp. 15641-15646).
- 83) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.
- 84) U.S.D. means United States Dollars. Also known as Federal Reserve Notes, a species of money.
- 85) Usurp means to seize and hold any office by force, and without right.
- 86) Video recording means any video or audio and video recording.
- 87) vs. means versus and introduces which 2 (or more) parties are in controversy.
- 88) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.
- 89) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

NEW HAMPSHIRE RULES OF CIVIL PROCEDURE,  
PARENS PATRIAE DOCTRINE

VOID WHERE PROHIBITED BY LAW

 Date: 12-5-2022

Matthew-Lane:Hassell authorized agent of

MATTHEW LANE HASSELL

45 Falcon Crest Way

Manchester, New Hampshire [03104]

9:08


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DoNotReply@ereceipt.usp... Tuesday

To: Matthew Hassell &gt;

## USPS eReceipt


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Product	Qty	Unit Price	Price
Priority Mail®	1		\$9.65
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Derry, NH 03038			
Flat Rate			
Expected Delivery Date			
Wed 11/15/2023			
Insurance			\$0.00
Up to \$100.00 included			
Certified Mail®			\$4.35
Tracking #:			
<a href="https://usps.com/track/70220410000305241775">70220410000305241775</a>			
<b>Total</b>			<b>\$14.00</b>
<b>Grand Total:</b>			<b>\$14.00</b>
<b>Debit Card Remit</b>			<b>\$14.00</b>
Card Name: VISA			
Account #: XXXXXXXXXXXX4198			
Approval #: 378808			
Transaction #: 624			
Receipt #: 048826			
Debit Card Purchase: \$14.00			
AID: A0000000980840	Chip		
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Matthew-Lane: Hassell  
20 Arlington St. Unit D  
Nashua, New Hampshire [03060]  
(603) 231-0844 (DO NOT CALL)  
mhas191@yahoo.com

Dear Mr. MARK E. KIMBARK,

I am in receipt of your voicemail from 11pm. on the 12th of November, 2023. It is assumed by your voicemail, that you are attempting an agreement to remedy the lawsuit filed against you and you would like to privately settle this matter before court. I am open and receptive to such remedy. As your voicemail did not list any remedies that you are proposing but did state that you are trying to do so in a good faith manner, I am curious as to your offer.

Calling at 11 pm. on a night that I have to work the next day does not seem like a good faith attempt to me. I would love to reach an amicable solution with your daughter Devin, in regards to her and my child. I have been unsuccessful in doing so for a year now. Otherwise I would not have chosen to litigate. I have come with clean hands and good faith and full disclosure, in an attempt to get fair and equal access from Devin to our child.

You and your wife have filed a false police report against me. You and your wife have supported your daughter Devin Kimbark financially and emotionally, while she has libeled and slandered me in writing and in court. You have supported Devin and conspired to deprive me of my child and that does not show me you have acted in good faith in the past year. So, I simply must ask, what has changed?

The seriousness of your conduct and behavior in this matter, is what led me to litigate against you and your family. I do not see your actions for the past year as a good faith. I see it as hostile and aggressive without substantiation. I have never done anything malicious to you or your family and the opposite cannot be said. You and your family have done everything in your power to deprive me of natural rights to Phoenix.

So, exactly how are you acting in good faith? The reality is, if you and Devin's mother did not financially support Devin, she would be in a completely different situation. She is an adult, which does not show signs of being able to support herself, let alone our (Devin and my) child. What does she need my \$1,000.00 a month for? Diapers? Formula?

Kindly send your proposal in writing, not in a totally disrespectful phone call at 11:00 PM. I will gladly respond to all serious offers timely. Will you stop insulting me when I am visiting my daughter? Here is your greatest problem, which makes you look less than sincere; you would do a lot for a step-daughter, (Devin) is not even your daughter. **Imagine how much more I am willing to do for a daughter, which is mine? (emphasis added).** A seemingly drunken phone call, late in the night is not good faith when held to that standard, is it?

As cited by an article in the Derry, N.H. newspaper just this past weekend, the New Hampshire Supreme Court has recognized; "As to the private interest of the parents, we have

consistently recognized that the right to raise and care for one's children is a fundamental liberty interest protected by the state Constitution." It went on to say; "Parental rights are natural, essential, and inherent rights within the meaning of the state Constitution," and "the loss of one's children can be viewed as a sanction more severe than imprisonment." To add to this the U.S. Constitution holds such rights as the state Constitution does and the U.S. Supreme Court has recognized and decided in multiple cases, similar decisions. I have brought such to the attention of the court and the Officer of the Court that represents your daughter (Devin Kimbark) Attorney Jennifer L. DiTrapano. None of you have made any attempt in good faith to respond to by any medium reasonable under the circumstances. None of you have even allowed more time with Phoenix. You and each of you have done the exact opposite and repeatedly done everything in your power to deprive me of rights to Phoenix. Your actions speak loudly.

You, Mr. Kimbark, have insulted me and interfered numerous times with my supervised custodial visitations while at your residency. You have consistently mocked me and made light of me and insulted me. When I recorded visits, you and each of you complain that I am somehow harassing you by recording, when that is the only thing which stopped the 'hazing.' Why don't you explain to Devin that in the end I will win and all she is doing is wasting money and time. I will get 50/50 custody.

Did you read and verify my statistics, which I presented to the court? Data gathered for over 40 years, which I presented to Devin and the court proves not having a father in the child's life puts that child at every statistical disadvantage. So put your ego aside and begin to do the right thing and show me some glimmer that you are not acting in bad faith, for that is all I see and I can properly demonstrate that to the court through your actions.

Kindly send all correspondence through the preferred method of communication to email address [mhas191@yahoo.com](mailto:mhas191@yahoo.com) and/or domicile located at 20 Arlington St. Unit D Nashua, New Hampshire [03060].

I look forward to hearing from you.

ALL RIGHTS RESERVED WITHOUT PREJUDICE U.C.C. 1-308

VOID WHERE PROHIBITED BY LAW

Date: 14<sup>th</sup> of November, 2023

Matthew-Lane: Hassell

Matthew-Lane: Hassell authorized agent of

MATTHEW LANE HASSELL

20 Arlington St. Unit D

Nashua, New Hampshire [03060]

(603) 231-0844 (DO NOT CALL)

[mhas191@yahoo.com](mailto:mhas191@yahoo.com)